

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 ) CRIMINAL NO. 12-1911 MV  
                                )  
vs.                         ) 21 U.S.C. § 846: Conspiracy.  
                                )  
**JOSE A. HERRERA,**      )  
                               )  
Defendant.                 )

**FILED**  
UNITED STATES DISTRICT COURT  
SANTA FE, NEW MEXICO

NOV 19 2013

**INFORMATION**

The Acting United States Attorney charges:

MATTHEW J. DYKMAN  
CLERK

From on or about June 5, 2012, and continuing to on or about June 6, 2012, both dates being inclusive, in the District of New Mexico and elsewhere, the defendant, **JOSE A. HERRERA**, unlawfully, knowingly and intentionally combined, conspired, confederated and agreed with other persons whose names are known and unknown to commit an offense against the United States, specifically, possession with intent to distribute a controlled substance, a mixture and substance containing a detectable amount of cocaine, contrary to 21 U.S.C. §§ 841 (a)(1) and (b)(1)(C).

In violation 21 U.S.C. § 846.

**FORFEITURE ALLEGATION**

The charge of this information is incorporated as part of this section of the information as if fully re-alleged herein for the purpose of alleging forfeiture to the United States pursuant to 21 U.S.C. § 853.

Upon conviction of any offense in violation of 21 U.S.C. § 846, the defendant, **JOSE A. HERRERA**, shall forfeit to the United States pursuant to 21 U.S.C. § 853 any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of each offense

for which the defendant is convicted, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the offense(s) of conviction.

The property to be forfeited to the United States includes, but is not limited to, the following:

FIREARM

a Bersa, model Thunder, .380 caliber semi-automatic pistol bearing serial number 486048

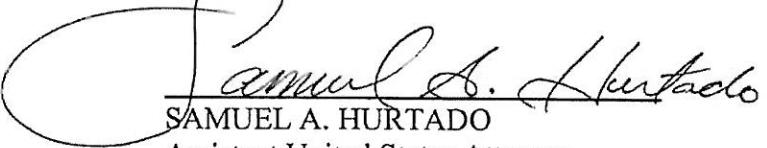
SUBSTITUTE ASSETS

If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), 18 U.S.C. § 982(b), and 28 U.S.C. § 2461(c), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

STEVEN C. YARBROUGH  
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